

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLY GRIBELUK, :
Plaintiffs, : Case No. 21-CV-08177 (CM)
v. :
: **ORDER FOR THE RELEASE OF**
NETWORK CAPITAL FUNDING :
CORPORATION, : **PSYCHOTHERAPY NOTES**
Defendant. :
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WHEREAS, on April 4, 2022 Plaintiff Kelly Gribeluk executed an “Authorization for the Release of Psychotherapy Notes,” which states as follows:

For the time period of April 1, 2016 to the present date, I hereby request and authorize the disclosure of all protected health information for purposes of this pending litigation. I expressly request that the designated records custodian of all covered entities under HIPAA identified above disclose full and complete protected health information solely relating to psychotherapy notes. Psychotherapy notes are defined in 45 CFR 164.501 as meaning any notes recorded by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint or family counseling session and that are separated from the rest of the individual’s medical record.

WHEREAS, this Authorization was addressed to Pauline Greene (“Greene”) and Subhash Chandra (“Chandra”) of the Nathaniel Clinic, 2090 Adam Clayton Boulevard, 4th Floor, New York, New York 10007, thereby authorizing Greene and Chandra to disclose to counsel for Defendant “full and complete protected health information solely relating to psychotherapy notes”;

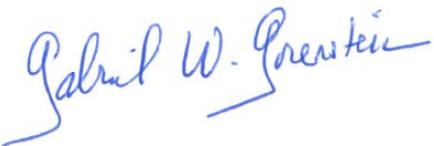
WHEREAS, on April 7, 2022 the “Authorization for the Release of Psychotherapy Notes” signed by Plaintiff on April 4, 2022 was provided to the Nathaniel Clinic;

WHEREAS, despite being provided with an “Authorization for the Release of Psychotherapy Notes” signed by Plaintiff, the Nathaniel Clinic has refused to provide any psychotherapy notes from either Greene or Chandra without a “court order;”

IT IS HEREBY ORDERED THAT:

1. For the time period of April 1, 2016 to the present date, the records custodian of the Nathaniel Clinic for Pauline Greene and Subhash Chandra will disclose full and complete protected health information solely relating to psychotherapy notes to Justin W. Reiter and Brian J. Gershengorn, Fisher & Phillips LLP, Times Square Tower, 7 Times Square, Suite 4300, New York, New York 10036. Psychotherapy notes are defined in 45 CFR § 164.501 as meaning any notes recorded by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or group, joint, or family counseling session and that are separated from the rest of the individual’s record.

SO ORDERED:



Honorable Gabriel W. Gorenstein

Dated: July 12, 2022